

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 733 of 1996

PANNA RAM
V/S
STATE

Mr. VASUDEV, for the appellant / petitioner

Mr. BL BHATI, DY.G.A., for the respondent

Date of Order : 6.11.2007

HON'BLE SHRI N P GUPTA, J.

ORDER

The petitioner by this petition seeks to challenge the orders Ex.3 and 4 dated 7.5.91 and 4.7.95. By these two orders the petitioner's allotment of land, as made in two installments, as strip of land, has been cancelled.

According to the petitioner, he was allotted 21 bighas of land in Murabba No.67/29, 67/13, inasmuch as, 15 bigha was allotted in Murabba No.67/29 and 6 Bighas in Murabba No.67/13 in the year 1976. Then vide order dated 16.2.84, 10 bighas of land in this Murabba No.67/29 was allotted as strip of land. Then thereafter vide order dated 25.4.86, 9 bigha 10 biswa of land was allotted in Murabba No.67/28. These are the orders Ex.1 and 2. These allotments were set aside by the order Ex.3 by exercising powers under Rule 22(3), on the ground, that the lands allotted by two allotment orders are adjoining each other, which make 19

bighas of big chunk of land, and simply by managing allotment in two installments, it could not be allotted as strip of land. There are departmental instructions issued way-back on 8.3.77 providing that if any strip of land adjoins other government land, and by joining the two together, if a compact block come into existence, then all such compact land should be allotted to landless persons by draw of lotteries. It has been found that on the face of this Circular, there was no justification for making the allotment done. This order has been upheld by the Board of Revenue vide Ex.4.

It is contended by the learned counsel for the petitioner that may be that the two allotments have been made within short span of time, but then the allotment made is of strip of land, and if any neighbour was aggrieved the allotment, could have been challenged, which has not been done. It is also contended, that even the two lands are contiguous to the petitioner's land, which have been developed by the petitioner after allotment, and there was no justification for cancelling the allotment.

I have considered the submissions, and do not find any force therein. In my view, a look at the site plan produced by the petitioner himself alongwith his additional affidavit dated 21.7.96, does show, that in the north of 10 bighas of land situated in Murabba No.67/29 there is

government land situated in Murabba No.67/28 allotted to the petitioner. Then in the east of Murabba No.67/28 government land is lying in Murabba No.67/36, and if all the three are taken together, that do make a big block, and is required to be allotted to other landless persons, in accordance with the Rules.

In that view of the matter, I do not find any error in the orders of the learned two authorities below.

The writ petition thus, has no force and is dismissed.

(N P GUPTA),J.

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